

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**In re HAIN CELESTIAL HEAVY METALS  
BABY FOOD LITIGATION**

**This Document Relates To: All Actions**

Case No.: 2:21-cv-00678-JS-AYS

**MEMORARNDUM IN  
FURTHER SUPPORT**

## **I. ARGUMENT**

Plaintiffs Lisa Gray and Heather Age (“Plaintiffs”) respectfully moved this Court, pursuant to Federal Rule of Civil Procedure 23(g)(3), to appoint the following interim Co-Lead Counsel on May 27, 2021, as Docket No. 64 et seq.:

- Gary F. Lynch of Carlson Lynch, LLP (“Carlson Lynch”);
- Jeffrey K. Brown of Leeds Brown Law, P.C. (“Leeds Brown”); and
- Judge John G. Marks (Ret.) as liaison counsel.

Subsequently, Gary F. Lynch withdrew from consideration as class counsel or as part of any leadership team. Dkt. No. 93. Leeds Brown and Mr. Marks remain committed to participating in this action, advising their clients, appearing before this Court, and working as or with a leadership group that prosecutes these claims. Leeds Brown’s and Mr. Marks’ history of serving individuals within New York courts, including this Court, are well established, and noted in the moving papers. *See* Dkt. Nos. 64-1, 64-4, and 64-5; *see also* Dkt. No. 89 (acknowledging Mr. Marks as a qualified jurist); Dkt. No. 86 (acknowledging the “CLLB Team is no doubt qualified”). Mr. Marks’ history in protecting the interest of families and serving the public at large is especially noteworthy given the nature of the claims here and the products in question. *See* Dkt. No. 64-5. Leeds Brown’s history of litigating before this Court and prosecuting class actions is well-established.

As such Leeds Brown and Mr. Marks are open to serving as Interim Lead/Co-Lead and/or Liaison Counsel on an Executive Committee, working with lead counsel, or in any capacity envisioned by the Court. Given the diverse and talented group of attorneys and firms seeking appointment to a leadership role in this case, the Court will easily be able to select a leadership group that looks out for the interest of the class, that capably prosecutes these claims, and allows

for the efficient prosecution of the action. Leeds Brown and Mr. Marks will help serve that interest in any capacity the Court sees fit. Our leadership and/or participation will help ensure protections for all affected individuals, and will ensure that a voice known to the Court participates in the leadership of the case.

## **II. CONCLUSION**

For all the reasons set forth above, the undersigned counsel respectfully requests that this Court appoint lead counsel in accordance with the standard set forth in FRCP 23(g) and include Leeds Brown and Judge Marks in a role to protect the interest of the putative class members and the Plaintiffs presently involved.

Dated: June 17, 2021

**LEEDS BROWN LAW, P.C.**

By: /s/ Jeffrey K. Brown

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